

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

LAURA ALLEN, INDIVIDUALLY AND AS	)	
ADMINISTRATRIX OF THE ESTATE OF )	)	
DAN ALLEN, AND AS NEXT FRIEND )	)	
TAYLOR ALLEN AND DANIELLE ALLEN; )	)	
AND MARK ALLEN )	)	
Plaintiffs, )	)	
	)	
	)	CIVIL ACTION
	)	NO. 05-40048-FDS
v. )	)	
	)	
MARTIN SURFACING, A Division of )	)	
SOUTHWEST RECREATIONAL )	)	
INDUSTRIES, INC; SOUTHWEST )	)	
RECREATIONAL INDUSTRIES, INC ., )	)	
d/b/a MARTIN SURFACING; )	)	
	)	
Defendants. )	)	

**PLAINTIFFS' MOTION TO FULLY INCLUDE  
THEIR CAUSATION EXPERTS' TESTIMONY AT TRIAL**

On May 16, 1994, Dan Allen, the popular and successful head football coach of The College of the Holy Cross, died from amyotrophic lateral sclerosis, known commonly as ALS or Lou Gehrig's disease. Coach Allen's wife, Laura Allen, brought this wrongful death action on behalf of Coach Allen's estate and beneficiaries. She alleges that the defendants negligently exposed Coach Allen to neurotoxic levels of Toluene (a chemical ingredient in materials used by defendants to re-surface the gymnasium floor in the same building which housed the offices of Coach Allen and his staff in May-June 2001), which in turn hastened/accelerated the early onset of Coach Allen's ALS.

Pursuant to the scheduling order in this matter, Plaintiffs respectfully now move this Court to allow their experts to offer their causation opinions at trial.

For the reasons set forth in the memorandum filed herewith, and exhibits thereto, this Court should allow Plaintiffs' motion and rule, in accordance with FRE 702 and the applicable *Daubert* case law that:

1. The plaintiffs' experts' proposed opinion testimony is based upon sufficient facts or data;
2. The plaintiffs' experts' proposed opinion testimony is the product of reliable principles and methods; and
3. Each expert has applied the principles and methods reliably to the facts of the case.

Respectfully Submitted,  
The Plaintiff  
By her Attorneys

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Dated: November 1, 2007

**Certificate of Service**

I hereby certify that a copy of the foregoing was served this day via ECF to the following counsel:

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/s/ James D. Gotz  
James D. Gotz, Esq.